

# **VANDEBURGH SUPERIOR COURT**

Courts Building  
Civic Center Complex  
825 Sycamore Street  
Evansville, IN 47708

**SCOTT R. BOWERS, Judge**  
Room 120

**J. DOUGLAS KNIGHT, Judge**  
Room 118

**MARY MARGARET LLOYD, Judge**  
Room 218

**BRETT J. NIEMEIER, Judge**  
Room 126

**ROBERT J. PIGMAN, Judge**  
Room 122

**ROBERT J. TORNATTA, Judge**  
Room 225

**RENÉE ALLEN CAIN, Magistrate**  
Room 114

**RICHARD G. D'AMOUR, Magistrate**  
Room 202

**ALLEN R. HAMILTON, Magistrate**  
Room 126

**JILL R. MARCRUM, Magistrate**  
Room 202

**TERRELL R. MAURER, Magistrate**  
Room 202

**KELLY L. WARD, Court Administrator**  
Room 114

**WAYNE S. TROCKMAN, Chief Judge**  
Room 116

## **NOTICE**

\_\_\_\_\_ Please be advised the Vanderburgh Circuit and Superior Courts have renumbered the local Civil and Criminal rules in accordance with the uniform numbering format adopted by the Supreme Court. Copies of the proposed rules are available in the William H. Miller Law Library, Room 207 Courts Building, Civic Center Complex or you can view the proposed rules online at <http://www.in.gov/judiciary/rules/local/> or on the Superior Court page at <http://www.vanderburghgov.org>.

Written comments regarding said rule changes shall be directed to Kelly Ward, Court Administrator, Courts Building Room 114, Civic Center Complex, 825 Sycamore Street, Evansville, IN 47708. Comments will be received until July 1, 2006.

Pursuant to the Indiana Supreme Court Schedule and Format for Adoption of Local Court Rules, the Court shall review and study the comments received and make changes to the proposed rules as deemed advisable. Thereafter, the Court shall adopt the final local rules on or before July 31, 2006 to be effective January 1, 2007.

## **RULES OF THE VANDERBURGH CIRCUIT AND SUPERIOR COURTS**

### **LR82-TR81-1.01**

#### **Applicability, Effective Date, and Designations**

These rules apply to all litigants whether or not represented by counsel. These rules shall be effective beginning January 1, 2007, and supersede all rules or parts of rules previously followed by these Courts. Each rule applies to both Circuit and Superior Courts, except where one Court's designation ("C" for Circuit and "S" for Superior) appears in the last set of characters in a rule number, in which case that rule applies only to the designated Court.

### **LR82-AR00-S1.02**

#### **Organization of Superior Court**

(A) **Divisions.** The Vanderburgh Superior Court shall be divided into seven (7) divisions and identified as follows:

- (1) Division One: Civil
- (2) Division Two: Criminal
- (3) Division Three: Civil
- (4) Division Four: Domestic Relations
- (5) Division Five: Civil
- (6) Division Six: Small Claims and Misdemeanor Traffic
- (7) Division Seven: Juvenile and Probate

Divisions One through Five shall be presided over by six (6) Judges who shall rotate through these divisions on a monthly basis. Division Six shall be presided over by the Magistrates subject to the supervision of one of the Judges. Division Seven shall have assigned thereto a Judge who will serve for a minimum of one (1) year. Judges shall use their Division Six rotation to serve as backup for Division Two.

(B) **Chief Judge and Judges of Superior Court.** There shall be a Chief Judge elected on a date between January 1 and January 31 of each year by the Judges who shall begin his/her term as the Chief Judge on the following February 1<sup>st</sup>. The Chief Judge will be primarily

responsible for the efficient and expeditious operation and conduct of the Court. In the absence of the Chief Judge, the Judge sitting in Division One shall act as temporary Chief Judge.

The following Courts shall have Judges elected as supervisors on a yearly basis: drug court, misdemeanor and traffic, small claims and domestic relations. Each Judge so selected shall be responsible for the efficient and expeditious operation of that Court. Each supervisor shall report periodically to the Chief Judge and all other Judges any change in the current operations of that Court. There shall be appointed each year a Supervisor of Information and Technology to oversee and assure the Court's compliance with Administrative Rule 9.

### **LR82-AR00-S1.03**

#### **Assignment of Judges within Superior Court**

Superior Court Judges shall rotate their sitting in the respective Divisions of this Court consecutively in numerical order. The rotation shall commence on the first Monday of each month. Any new Judge replacement shall sit in the Division of the Judge whom he/she replaces unless otherwise agreed by majority vote of the Court as a whole. The Court, by a date not later than the first day of December or the first business day thereafter, shall publish a schedule of the sessions of this Court for the following calendar year of the Court together with the names of the Judges who will be sitting in the Divisions of this Court during each session thereof similar to Appendix B as attached hereto.

### **LR82-AR00-S1.04**

#### **Assignment and Disposition of Civil Cases in Superior Court**

All Civil cases shall, upon being filed in the office of the Clerk, be assigned in the following manner:

**(A) Assignment.** Each Civil Case shall be assigned to one of the six (6) rotating Judges by blind lot in the order presented for filing. The Judge assigned to each case shall have responsibility for all proceedings in that case including hearings of all motions, arguments and petitions. All emergency matters shall be heard by the assigned judge unless he/she is unable to do so, in which case he/she may refer the matter to another Judge. Where the assigned Judge is unavailable to refer the matter, such emergency matter may be heard by any other Judge.

**(B) Transfer Within County.** Where a case originates in the Small Claims, Juvenile or Probate Divisions and is transferred to the Civil Division, the clerk shall assign such case to a specific Judge in the same manner as in other Civil Cases.

**(C) Transfer from Another County.** All Civil cases transferred to this Court from another County shall be assigned by the Clerk as provided by the rules stated herein for the assignment of Civil Cases.

#### **LR82-SC00-S1.05**

##### **Superior Court Small Claims**

All Small Claims matters are assigned to Division Six wherein the following Rules will apply:

**(A) Service.** On first appearance the Court will not allow service of process to be sent to the defendant's employer. On Proceeding Supplemental the Court will consider proper service for the purpose of obtaining an order of garnishment when service is good upon the employer, even though service may not be good upon the defendant. When the employer refuses service, it can be considered sufficient service for the purpose of an order of garnishment only. Service may be obtained by a process server if an affidavit of service is filed.

**(B) Attorney Fees.** Attorney's fees are awarded solely for the principal amount of the debt.

**(C) Claim for Insufficient Funds.**

Upon filing of a claim for insufficient funds on bad checks where multiple statutory remedies are available, the claimant should elect which remedy is being requested and list the same on the statement of claim.

**(D) Proceedings Supplemental - Judgment Entry.** Parties must wait seven (7) days after obtaining a judgment before filing a Proceedings Supplemental, and the Judgment Entry must be filed with the Court prior to the Proceedings Supplemental being filed.

**(E) Proceedings Supplemental - Hearings.** Proceedings Supplemental hearings shall not be continued for progress after an order of garnishment or a personal order of garnishment has been obtained. To proceed on an information for contempt, a Proceedings Supplemental must have been filed and an order of garnishment or personal order of garnishment obtained.

**(F) All Cases To Have Future Date.** No cases will be continued without date.

#### **LR82-TR63-S1.06**

##### **Superior Court Judges Pro Tempore**

All appointments of Superior Court Judges Pro Tempore shall be made by the Chief Judge or by the Judge assigned to the Division wherein the pro tem will sit.

#### **LR82-TR79-1.07**

##### **Special Judge**

In the event a Special Judge does not accept a case under Sections D, E, F, of TR 79, or a Judge of Circuit or Superior Court disqualifies or recuses under Section C of that rule, the case shall be referred to the Court Administrator of the Vanderburgh Superior Court for random reassignment to one of the non-recusing elected Judges of Vanderburgh County in both Circuit and Superior Courts.

#### **LR82-AR11-1.08**

##### **Format of Filings**

Pleadings, motions and other papers shall be either legibly printed or typewritten on white opaque paper of at least sixteen (16)

pound weight, eight and one-half (8 ½) inches wide and eleven (11) inches in length. All copies shall likewise be on white paper of sufficient strength and durability to resist normal wear and tear. If typewritten, the lines shall be double spaced, except for quotations, which shall be indented and single spaced. Script type shall not be used. Margins shall be at least 1 inch. Type face shall be 12. or larger in body, text, and footnotes.

#### **LR82-TR00-1.09**

##### **Filing of Pleadings, Motions and Other Papers**

All pleadings, motions and other papers shall be prepared in accordance with the provisions of the Indiana Rules of Trial Procedure. For the purpose of uniformity and convenience, the following requirements shall also be observed:

(1) All pleadings, subsequent to the original complaint, shall be filed in the office of the Judge to whom the case is assigned at any time during the office hours established by the Court. All orders submitted to the Court shall be in sufficient number and shall be accompanied by postage paid envelopes addressed to each party or counsel of record.

(2) All appearances by attorneys shall be filed in writing, together with proof of mailing or delivery thereof on counsel of record in compliance with Indiana Rules of Procedure.

(3) All filings shall be accompanied by a minute sheet which shall contain the number of the cause, the date, the suggested docket entry and a certificate of proof of service or copies. This minute sheet shall be signed by counsel or Pro Se Party, dated, stamped and filed with the Court. The Court may in its discretion, amend any such form of entry.

(4) All order book entries shall contain in their title the date for which said entry was made. A copy of all entries, which result from a hearing or trial, shall be submitted to the opposing counsel at least three (3) days before being presented to the Court.

(5) All pleadings filed and served upon opposing parties shall be clear and legible.

(6) No pleading other than a copy thereof shall be taken from the file. Any person taking any portion of the Court's files shall be deemed to be in contempt of Court. Upon request, the Clerk or Court shall (subject to Administrative Rule 9) furnish anyone with a copy of all or any part of such files upon payment of a reasonable charge therefore.

#### **LR82-TR10-1.10**

##### **Form of Pleading**

(A) **Caption.** Every pleading shall contain a caption setting forth the name of the Court, the Division and Room Number, the title of the action and the file number.

(B) **Titles.** Titles on all pleadings shall delineate each topic included in the pleading, where a pleading contains an Answer, a Motion to Strike or Dismiss or a Jury Request each shall be set forth in the title.

#### **LR82-TR5-1.11**

##### **Verification of Service on Opposing Party**

In all cases where any pleading or other document is required to be served upon an opposing party, proof of such service shall be made either by:

(1) A certificate of service signed by counsel of record or pro se party which specifies by name and address all counsel or parties upon whom the pleading or document was served, or

(2) An acknowledgment of service signed by the party served or counsel of record.

#### **LR82-TR5-1.12**

##### **Verification of Trial Rule 5 Pleadings**

All Court Records (pleadings or documents) filed by any party or their attorneys shall contain a verification certifying that the court records comply with the filing requirements of Trial Rule 5 (G) applicable to information excluded from the public record under Administrative Rule 9 (G). A certification in substantially the following language shall be

sufficient:

I/We hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).

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(Signed by party or counsel of record)

### **LR82-TR6-1.13**

#### **Extensions of Time**

**(A) Standard Time Limits Apply.** The time limits set out in these local rules, where allowable under the Indiana Rules of Trial Procedure, may be extended by order of the Court.

**(B) Extensions.** In all civil cases, each party required to respond to a complaint, counterclaim, or cross-claim, may obtain an automatic thirty (30) day extension of time to plead or otherwise respond to such claim by filing a Notice of Extension with the Court and serving a copy of the same upon all parties. Requests for additional extensions of time must be made by motion and hearing unless agreed to by the parties.

### **LR82-AR00-1.14**

#### **Attorney Promptness**

Attorneys are expected to be prompt in their attendance at matters assigned for hearing. Failure to appear promptly or to notify the Court of an inability to attend a hearing at the time and place indicated may result in imposition of sanctions allowable and deemed appropriate by the Court.

### **LR82-TR3.1-1.15**

#### **Attorney's Withdrawal**

**(A) Withdrawals Must Be in Writing.** All withdrawals of appearance of counsel shall

be in writing and by leave of Court. Leave of Court shall be granted only upon the following circumstances:

(1) The filing of an appearance by new counsel for said client; or

(2) Upon notice and hearing of the Petition for Leave to Withdraw, which said notice of hearing shall be served on the client at least 10 days prior to the hearing on the Petition for Leave to Withdraw. The Notice to the client shall include a copy of the Petition for Leave to Withdraw. Notice to the client shall also inform the client that the client can obtain new counsel or the client can represent himself/herself, if permissible, and that the client is required to notify the Court within 30 days of the withdrawal of the client's decision. The Notice shall also include the name of the Judge assigned to the case and the address of the Court with information sufficient to advise the client that a failure to respond may result in the dismissal of the matter before the Court. Proof of service of the Notice shall be made by certified mail, return receipt, to be filed with the court on or before the date of the hearing.

#### **(B) Withdrawal Petition**

**Requirements.** A Petition for Leave to Withdraw shall include the following:

(1) The last known address and telephone number of the client;

(2) The date the case is assigned for trial, if any;

(3) A statement of any current motions pending before the Court and

(4) A statement of the status of the case, including a verified statement that all entries have been filed.

### **LR82-TR12-1.16**

#### **Motions and Petitions**

##### **(A) Separate Briefs for Motions and Petitions**

(1) A motion to Dismiss under Rule 12 of the Indiana Rules of Trial Procedure, for judgment on a pleading, for more definite statement, or to strike, shall be accompanied by a separate supporting Brief. If multiple motions are within the same filing, said motion shall be separated by identity in the title.

(2) Parties shall have thirty (30) days after the initial brief in which to serve and file an Answer Brief, and the moving party shall have fifteen (15) days after service of the Answer Brief in which to serve and file a Reply Brief.

(3) The provision of this rule requiring a separate Supporting Brief shall apply to every defense asserted pursuant to Rule 12(b) of the Indiana Rules of Trial Procedure, whether asserted in the responsive pleading or by separate motion.

(4) Each party shall supply a proposed Order with the Brief or Reply.

##### **(B) Motions for Summary Judgment**

(1) Any Motion for Summary Judgment shall be filed no later than one hundred twenty (120) days before the trial date.

(2) In addition to a separate Supporting Brief, there shall be served and filed with each Motion for Summary Judgment a statement of material facts as to which the moving party contends there is no genuine issue, proposed Conclusions of Law, and a proposed Summary Judgment.

### **LR82-TR16-1.17**

#### **Scheduling Conference**

##### **(A) Scheduling Conference Meeting.**

Upon the closing of the issues in civil cases, the Court may order or the parties may request a Scheduling Conference. At the Scheduling Conference, the Court shall establish deadlines and time limits to ensure the progress of the litigation and will enter a Scheduling Order similar to that contained in Appendix A. To the extent that the parties are in a position to discuss and/or apprise the Court of any of the situations set forth below they should do so.

(1) Whether there is a question of jurisdiction over the person or the subject matter of the action;

(2) Whether all parties, plaintiff or defendant, have been correctly designated;

(3) Whether there are any questions concerning the joinder of parties or claims;

(4) Whether a third party complaint or impleading petition is contemplated;

(5) Whether there is a question of appointment of a guardian ad litem, next friend, administrator, executor, receiver or trustee;

(6) The time reasonably required for the completion of discovery;

(7) Whether there are pending motions;

(8) Whether a trial by jury has been timely demanded;

(9) Whether separation of claims, defenses, or issues would be desirable, and if so, whether discovery should be limited to the claims, defenses, or issues first to be tried;

(10) Whether related actions are pending or contemplated in any Court;

(11) The estimated time required for trial;

**(B) Items Included in Scheduling Order.** The Scheduling Order will include, among other things, a date certain for a Pre-Trial Conference. The dates contained in the Court's Scheduling Order may be amended by the Court on its own motion or at the request of one or more of the parties.

### **LR82-TR16-1.18**

#### **Pre-Trial Conference**

The normal Pre-Trial requirements are set forth in Rule 16 of the Indiana Rules of Civil Procedure. The counsel who will try the lawsuit shall attend the Pre-Trial Conference in person and be prepared to discuss the following:

(1) Whether the parties are prepared to proceed to trial;

(2) Whether mediation has occurred;

(3) Whether there are pending motions;

(4) The progress of each party in obtaining stipulations of fact and authenticity of exhibits;

(5) A statement as to whether the parties are willing to waive their jury request;

(6) Whether the Court may assist in the settlement of the case;

(7) Any significant evidentiary issues;

(8) Any other matters of which the Court should be advised.

### **LR82-TR33-1.19**

#### **Interrogatories**

A party may, without leave of Court, serve upon another party up to thirty (30) interrogatories including sub-parts.

Any party desiring to serve additional interrogatories upon another party, shall first file a written motion with the Court, identifying the proposed additional interrogatories and setting forth the reasons demonstrating good cause for their use.

### **LR82-TR16-1.20**

#### **Trial Briefs and Motions In Limine**

Unless ordered otherwise at the scheduling conference, trial briefs and motions in limine may be furnished to the Court by the parties at least two (2) weeks prior to the Pre-Trial Conference. Copies of any such trial briefs and motions in limine shall be furnished to opposing counsel and served in the same manner as other pleadings. Opposing counsel, after having been so served, shall have seven (7) days to file any response and shall serve the other party in the same manner as other pleadings.

### **LR82-TR51-1.21**

#### **Instructions**

At the pre-trial conference, counsel for each party shall tender a proposed "issues" instruction (see Indiana Pattern Jury Instruction 1.03). They shall also be prepared to present and discuss any non-routine preliminary or final instructions. Other proposed preliminary or final instructions may be presented to the Court and shall be served upon opposing counsel on the first day of trial. Additional or amended final instructions may be presented upon a showing of good cause or in order to conform the instructions to the evidence at trial.

### **LR82-TR55-1.22**

#### **Default Judgments - Attorneys Fees**

Application for default judgment requesting an allowance of attorney's fees shall be accompanied by an affidavit executed by the attorney requesting the fee. The affidavit shall be in a form and substance to enable the Court to determine if attorney's fees are appropriate, and if so, the reasonable amount thereof. Said affidavit shall support the request by setting

forth the authority for the Court to award attorney's fees (e.g. contract, statute, etc.) and the basis upon which the proposed fees are computed, such as the number of hours employed and the number of hours anticipated that will be employed pursuing satisfaction of judgment. In the absence of an affidavit there shall be no attorney's fees allowed.

### **LR82-TR69-1.23**

#### **Post-Judgment Proceeding**

##### **(A) Entry of Final Decree Required.**

No post-judgment proceedings shall be instituted until there is a final decree or judgment entered of record with the Vanderburgh County Clerk's Office. The Court may waive this requirement where it is shown a party is being unduly harmed by its enforcement.

**(B) Waiting Period.** After Judgment is obtained and an entry is filed with the Court, parties may file Proceedings Supplemental. Parties must wait seven (7) days after obtaining a judgment before filing Proceedings Supplemental with the Court.

##### **(C) Hearings on Proceedings**

**Supplemental.** Proceedings Supplemental hearings shall not be continued for progress after an order of garnishment or a personal order of garnishment has been obtained. To proceed on an information for contempt, a Proceedings Supplemental must have been filed and an order of garnishment or personal order of garnishment obtained. No cases will be continued without date.

### **LR82-AR7-1.24**

#### **Custody, Disposition and Withdrawal of Original Records and Exhibits**

**(A) Governed by Local Rules.** Except as provided for in Administrative Rule 7, the custody, distribution, and withdrawal of original records and exhibits shall be governed by this rule.

##### **(B) Court Reporter Maintains**

**Custody.** After being marked for identification, models, diagrams, exhibits and materials offered or admitted into evidence in any cause pending or tried in this Court shall be placed in the custody of the Court Reporter, unless otherwise ordered by the Court, and shall not be withdrawn until after time for an appeal has run

or the case is disposed of otherwise. Should an appeal be taken, such items shall not be withdrawn until the final mandate of the reviewing Court is filed in the office of the Clerk, and until the case is disposed of as to all issues unless otherwise ordered.

**(C) Retrieval.** Subject to provisions of subsection A, B and D hereof, unless otherwise ordered, all models, diagrams, documents, exhibits or material placed in custody of the Court shall be retrieved by the party offering them in evidence within ninety (90) days after the case is decided. In cases in which an appeal is taken, said items shall be removed within thirty (30) days after the case is disposed of as to all issues, unless otherwise ordered. At such time of removal, a detailed receipt shall be provided by the party retrieving the evidence and filed in the cause. No motion or order is required as a prerequisite to the removal of an exhibit pursuant to this subpart.

**(D) Disposal of Unretrieved Items.** If the parties or their attorneys shall neglect to remove models, diagrams, exhibits or material within sixty (60) days of when the case is disposed of, the Court may direct disposition of the same.

**(E) Contraband.** Contraband exhibits, such as controlled substances, money and weapons shall be released to the investigative agency at the conclusion of the trial and not placed in the custody of the Court Reporter. A receipt shall be issued and a photograph substituted when such contraband exhibits are released.

**(F) Withdrawal.** Except as otherwise herein provided, with respect to the dispositions of models and exhibits, no person shall withdraw any original paper, pleading, record, model or exhibit from the custody of the Clerk or other office of the Court having custody thereof except by order of the appropriate Judge.

#### **LR82-AR9-1.25**

##### **Access to Court Records**

**(A) Information Excluded from Public Access.** The following information is excluded

from public access and is confidential:

(1) Information that is excluded from public access pursuant to Federal Law,

(2) Information that is excluded from public access pursuant to Indiana Statute or Court Rule,

(3) All personal notes, email and deliberative material of judges, jurors and court staff, judicial agencies, and information recorded in personal data assistants (PDA's) or organizers and personal calendars,

(4) Diaries, journals or other personal notes serving as the functional equivalent of a diary or journal, pursuant to Ind. Code 5-14-3-4(b)(7),

(5) Advisory or deliberative material created, collected or exchanged by, between or among Judges, including journals or minutes of Judge's Meetings, and

(6) Information excluded from public access by specific court order.

**(B) Access to Information Excluded From Public.** Access to information which is excluded from public access and is confidential may not be accessed without the prior written authorization of the Judge supervising that office or department which created or archived that information. In some instances, access will require authorization from all Judges of Vanderburgh County.

#### **LR82-AR15-1.26**

##### **Court Reporters**

**(A) Definitions.** The following definitions shall apply under this Local Rule:

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.

(3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any



designated office space.

(4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Trial Procedure 74.

(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each week.

(7) Gap hours worked means those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

(8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Vanderburgh County.

(11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

#### **(B) Salaries and per page fees.**

(1) Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours, or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime

hours; i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Four Dollars and Twenty-five Cents (\$4.25) for appellate transcripts and Three Dollars and Seventy-five Cents (\$3.75) for all other transcripts. The Court Reporter shall, after approval by the Court, submit a claim directly to the county for the preparation of any county indigent transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Four Dollars and Twenty-five Cents (\$4.25) for appellate transcripts and Three Dollars and Seventy-five Cents (\$3.75) for all other transcripts.

All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars and Twenty-five Cents (\$4.25) for appellate transcripts and Three Dollars and Seventy-five Cents (\$3.75) for all other transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars (\$35.00).

(5) The maximum per page fee a court reporter may charge for the preparation of copies of a transcript shall be One Dollar and Fifty Cents (\$1.50).

(6) An additional labor charge of Twenty Dollars (\$20.00) per hour may be charged for the time spent binding the transcript and exhibit binders which reflect an approximate average of the annual Court Reporters' salaries in Vanderburgh County.

(7) Each court reporter shall report, at least on annual basis all transcripts to the Indiana Supreme Court Division of State of Court Administration. The reporting shall be made on forms prescribed by the Division of State of Court Administration.

#### **(C) Private Practice**

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court

equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies,

(b) The method by which records are to be kept for the use of equipment, work space and supplies, and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

**APPENDIX A**  
**SCHEDULING CONFERENCE ORDER**

The parties, by their respective attorneys, reviewed the issues of the cause with the Court at a scheduling conference, and it appearing that the above litigation is at issue, the Court enters the following Order.

1. \_\_\_\_\_ shall be the date by which all parties shall have completed discovery of the issues in this cause or shall have filed their Motion to Compel Discovery.

2. \_\_\_\_\_ shall be the date when plaintiff shall have filed with the Court, and served upon opposing counsel, the specific acts of alleged negligence and/or other specific acts of breach or otherwise that the plaintiff intends to produce evidence upon at the trial.

3. \_\_\_\_\_ shall be the date by when the plaintiff shall file with the Court and serve on opposing counsel a list of plaintiff's prospective witnesses and exhibits together with an itemization of damages the plaintiff intends to produce evidence upon at the time of trial.

4. \_\_\_\_\_ shall be the date by when the defendant shall file with the Court and serve upon opposing counsel the specific acts constituting defenses alleged by the defendant that the defendant intends to produce evidence upon at the time of trial.

5. \_\_\_\_\_ shall be the date by when the defendant shall file with the Court and serve upon opposing counsel a list of defendant's prospective witnesses and exhibits together with an itemization of damages, if any, upon any Counterclaim which the defendant intends to produce evidence upon at the time of trial.

6. \_\_\_\_\_ shall be the date by when the plaintiff supplements or amends any data furnished as required above.

7. \_\_\_\_\_ shall be the date when any party may file a Motion for Summary Judgment upon pleadings and issues for trial.

8. \_\_\_\_\_ shall be the date when each party shall notify the Court that a settlement of issues is not successful and the trial date is confirmed.

9. \_\_\_\_\_ shall be the date when any party is to update their itemization of damages they intend to present evidence upon at the time of trial and for the filing of any Motions in Limine.

10. \_\_\_\_\_ shall be the date by when each party shall submit to the Courts its Proposed Preliminary, if any, and its Final Instructions for the Jury.

11. \_\_\_\_\_ shall be the date on which this cause shall be submitted to trial by jury or by Court.

12. \_\_\_\_\_ shall be the alternate date which this cause may be tried by jury.

13. \_\_\_\_\_ shall be the date on which the counsel for the parties attend a conference of attorneys as contemplated by Indiana Rules of Trial Procedure.

14. \_\_\_\_\_ shall be the date on which the Court will hold its Pre-Trial conference pursuant

to Trial Rule 16 of the Indiana Rules of Trial Procedure.

15. \_\_\_\_\_ shall be the date to give Statement of Facts to Court.

**APPENDIX B**  
**IN THE VANDERBURGH SUPERIOR COURT**  
**2006 TERM**

The Judges of the Vanderburgh Superior Court have fixed and now publish the following schedule of assignment for the 2006 Term of the Court.

Week of	Div. I Civil	Div. II Crim.	Div. III Civil	Div. IV Dom. Rel.	Div. V Civil	Div. VI Crim.
Jan. 2	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
9	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
16	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
23	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
30	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
Feb. 6	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
13	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
20	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
27	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
Mar. 6	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
13	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
20	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
27	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
Apr. 3	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
10	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
17	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
24	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
May 1	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
8	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
15	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
22	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
29	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
June 5	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
12	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
19	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
26	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
July 3	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
10	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
17	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
24	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
31	Pigman	Bowers	Trockman	Knight	Tornatta	Lloyd
Aug. 7	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta

	14	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	21	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
	28	Lloyd	Pigman	Bowers	Trockman	Knight	Tornatta
Sep.	4	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	11	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	18	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
	25	Tornatta	Lloyd	Pigman	Bowers	Trockman	Knight
Oct.	2	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	9	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	16	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	23	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
	30	Knight	Tornatta	Lloyd	Pigman	Bowers	Trockman
Nov.	6	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	13	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	20	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
	27	Trockman	Knight	Tornatta	Lloyd	Pigman	Bowers
Dec.	4	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	11	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	18	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman
	25	Bowers	Trockman	Knight	Tornatta	Lloyd	Pigman

## 2006 MAGISTRATE SCHEDULE

<b>MONTH</b>	<b>MISDEMEANOR COURT</b>	<b>SMALL CLAIMS</b>	<b>DIVISION IV</b>	<b>JUVENILE COURT</b>	<b>OTHER</b>
<b>JANUARY</b>	HAMILTON	D'AMOUR	MARCRUM	CAIN	MAURER
<b>FEBRUARY</b>	MARCRUM	HAMILTON	D'AMOUR	CAIN	MAURER
<b>MARCH</b>	D'AMOUR	MARCRUM	HAMILTON	CAIN	MAURER
<b>APRIL</b>	HAMILTON	D'AMOUR	MARCRUM	CAIN	MAURER
<b>MAY</b>	MARCRUM	HAMILTON	D'AMOUR	CAIN	MAURER
<b>JUNE</b>	D'AMOUR	MARCRUM	HAMILTON	CAIN	MAURER
<b>JULY</b>	HAMILTON	D'AMOUR	MARCRUM	CAIN	MAURER
<b>AUGUST</b>	MARCRUM	HAMILTON	D'AMOUR	CAIN	MAURER
<b>SEPTEMBER</b>	D'AMOUR	MARCRUM	HAMILTON	CAIN	MAURER
<b>OCTOBER</b>	HAMILTON	D'AMOUR	MARCRUM	CAIN	MAURER
<b>NOVEMBER</b>	MARCRUM	HAMILTON	D'AMOUR	CAIN	MAURER
<b>DECEMBER</b>	D'AMOUR	MARCRUM	HAMILTON	CAIN	MAURER

## **CRIMINAL RULES OF THE VANDERBURGH CIRCUIT COURT**

### **LR82-CR2.2-2.01**

#### **Assignment of Criminal Cases**

(A) All cases in Vanderburgh County, Indiana in which the highest crime charged is a felony shall be randomly assigned (by the Clerk of Vanderburgh County) to the Circuit and Superior Courts of Vanderburgh County in the following ratio: Eight (8) cases are to be assigned to the Vanderburgh Circuit Court for each six (6) cases assigned to Vanderburgh Superior Court. Each felony cause number shall be deemed a case within the meaning of this rule, regardless of the number of counts or defendants charged in said case.

(B) All cases assigned to the Vanderburgh Circuit Court shall be tried by the Circuit Court Judge or the Magistrate of the Court as determined in the discretion of the Court.

(C) All felony cases assigned to the Vanderburgh Superior Court shall be tried in accordance with the rotation system established by the rules of that Court.

(D) All cases reassigned from the Circuit Court Judge of Vanderburgh County or the Magistrate of that Court, shall be reassigned to the Senior Judge of the Vanderburgh Circuit Court and/or any Judge of the Vanderburgh Superior Court.

(E) All cases reassigned within the Vanderburgh Superior Court shall be reassigned in accordance with the rotation system established by the rules of that Court.

(F) All criminal cases filed in the County in which the highest crime charged is a misdemeanor, shall be assigned to the Misdemeanor/Traffic Division of the Vanderburgh Superior Court.

(G) A dismissed criminal action may only be refiled in the same Court to which the case was originally assigned.

(H) The Circuit Court Judge and the Chief Judge of Superior Court may by agreement, order transfer of any felony case pending in either Court to provide

consolidated legal defense for those defendants facing multiple criminal charges. Such cases shall be consolidated unless efficient case disposition may be adversely affected by transfer.

### **LR82-CR00-2.02**

#### **Transfer of Cases Between Vanderburgh Circuit and Superior Courts**

If a defendant has a pending case in the Vanderburgh Superior Court prior to the filing of a case in Circuit Court, the Circuit Court case will be transferred to Superior Court. Similarly, if a defendant has a prior pending case in Circuit Court, any newer case in Superior Court will be transferred to Circuit Court.

### **LR82-CR00-2.03**

#### **Bond Schedule**

All persons charged by indictment or affidavit shall be held to bail in the amount set forth below:

(A) **Felonies:** No bonds shall be set in any felony matters except as determined by a Judicial Officer. The Court shall consider factors found in IC 35-33-8-4 in setting appropriate bond in all cases.

(B) **Class A Misdemeanors:** Unless otherwise specified, all Class A Misdemeanors shall have a bond of \$100.00 for Indiana residents and \$200.00 for non-residents.

#### **Specific Exceptions for Class A Misdemeanors:**

Domestic Violence Battery

First offense: \$500.00

Second offense: \$1000.00

Third offense: \$5000.00

Leaving the scene of an accident causing personal injury: \$500.00.

All OMVWI bonds shall be set in the amount of \$250.00 cash only except that in the case of a refusal or BAC of .15% or greater, bond shall be set in the amount of



\$500.00 cash only.

**(C) Class B Misdemeanors:** Unless otherwise specified, all Class B Misdemeanors shall have a bond of \$50.00 for Indiana residents and \$100.00 for non-residents.

**Specific Exceptions for Class B Misdemeanors:**

Invasion of Privacy involving co-habiting or formerly co-habiting adults:

First offense: \$500.00

Second offense: \$1000.00

Third offense \$5000.00

**(D) Class C Misdemeanors:** Unless otherwise specified, all Class C Misdemeanors shall have a bond of \$50.00 for Indiana residents and 100.00 for non-residents.

**Specific Exceptions for Class C Misdemeanors:** Minor possession / consumption / transport: \$25.00 for Indiana resident and \$50.00 for non-residents.

**LR82-CR00-2.04**

**Discovery**

In each criminal case in the Vanderburgh Circuit and Superior Courts, the Vanderburgh County Prosecutor's Office and the law enforcement agencies which are involved in the case shall produce to the defense attorney the entire case file, including a list of all evidence held, within thirty (30) days of the defense attorney's first appearance in court. This is a continuing rule, and all additions to the case file shall be produced immediately upon their creation.

**LR82-CR00-C2.05**

**Court Sessions**

Regular court sessions are held every weekday at 9 a.m. and 1 p.m. Special court sessions for petitions to revoke, motions for modification from community corrections programs, and related matters are held on Tuesday and Thursday at 11 a.m. Court sessions are held in Room 208 on the second floor of the Courts Building. If Room 208 is

being used for a trial or another matter, then court sessions are held in Room 202.

**LR82-CR00-C2.06**

**Probable Cause Hearings**

If a defendant is arrested without an arrest warrant having previously been issued, a probable cause hearing will be held. The hearing will be held at the court session immediately following the arrest and booking of the defendant in the Vanderburgh County Jail. At this hearing, the Court will review the affidavit of probable cause filed by the State to decide if there is probable cause for the offense(s) alleged by the State. If the Court finds that there is not probable cause, the defendant will be discharged. If the Court finds that there is probable cause, the Court will advise the defendant of the charges and some preliminary rights and set bond. The Court will also order the defendant to appear in three business days for an initial hearing at which time the defendant should appear with an attorney if he/she intends to hire counsel and the State should file any formal charges.

**LR82-CR00-C2.07**

**Initial Hearings**

An initial hearing will be held on the third business day after the probable cause hearing unless the defendant was arrested as a result of an arrest warrant. If an arrest warrant was issued and then the defendant was arrested, an initial hearing will be held at the next regular court session immediately following the arrest and booking of the defendant in the Vanderburgh County Jail. At the initial hearing, the Court will advise the defendant of the charges, penalties, and constitutional rights; review bond; set an omnibus date and a holding date; and appoint counsel or set an appearance date for the defendant to appear with private counsel.

**LR82-CR00-C2.08**

### **Readiness Conferences**

Readiness Conferences are an opportunity for the prosecutor, the defense attorney, and the Court to discuss the case and any plea offers. Only the attorneys need to appear for these conferences. (This is not an appearance date for the defendant). The date of the initial hearing controls when the readiness conferences are set. Readiness conferences for cases with initial hearings on the 1<sup>st</sup> through the 15<sup>th</sup> of the month will be set on the third consecutive Wednesday and Thursday of the next month. Readiness conferences for cases with initial hearings on the 16<sup>th</sup> through the 31<sup>st</sup> of the month will be set on the first consecutive Wednesday and Thursday of the second month after the initial hearing. Readiness conferences for non-drug (excluding domestic and child molesting) cases will be held on the first and third Wednesdays beginning at 1:30 p.m. for public defenders and 2:30 p.m. for private counsel. Readiness conferences for drug, domestic and child molesting cases will be held on the following Thursdays beginning at 1:30 p.m. for public defenders and 2:30 p.m. for private counsel. Attorneys will be advised of the readiness conference date at the time of the initial hearing. The conferences will be held in the jury or grand jury room of Circuit Court. An attorney should contact Court staff and the Prosecutor's Office if he/she is unable to appear at his/her scheduled readiness conference.

### **LR82-CR00-C2.09**

#### **Holding Dates**

Holding dates are dates for the defendant and his/her attorney to appear so that the defendant can accept or reject any offer by the State of Indiana and/or set the matter for trial. The date of the initial hearing controls when the holding date is set. Holding dates will be set nine weeks after the initial hearing on the same weekday as the initial hearing. If the scheduled holding date is a

holiday, then the Court will set the holding date on the business day after the holiday if that day is in the same week. Otherwise, the holding date will be set on the business day prior to the holiday.

### **LR82-CR00-C2.10**

#### **Omnibus Dates**

The omnibus date is not an appearance date. However, it does control several legal deadlines for pleading certain matters and filing certain documents. The omnibus date is set 75 days from the initial hearing.

### **LR82-CR00-C2.11**

#### **Miscellaneous Hearings**

If an attorney needs a hearing for a miscellaneous matter, including but not limited to, hearings for motions to suppress, motions to sever or join offenses or defendants, and motions for bond reduction, the attorney should contact court staff to schedule such a hearing or put the case on the court's calendar during 9 a.m. or 1 p.m. regular matters and request a hearing date.

### **LR82-CR00-C2.12**

#### **Adding Cases to the Court Docket**

If an attorney needs to add a criminal matter to the court's calendar, the attorney should advise opposing counsel and then contact court staff. If the defendant is in custody the case must be added on at least one full day prior to the appearance date. The attorney should advise the court staff if the defendant is in custody.

### **LR82-CR00-C2.13**

#### **Pre-Trial Conferences**

Pre-trial conferences will be scheduled approximately three weeks prior to trial. Court staff will contact the attorneys for each case to schedule the conference. At the pre-trial conference, the court and parties will discuss the issues in the case, motions that need to be taken up in advance, possible plea agreements and any other relevant matters.

(This is not an appearance date for the defendant.)

#### **LR82-CR00-C2.14**

##### **Trial Dates**

When a party requests a trial date, the Court will attempt to set the date within approximately 30 days if the defendant is in custody and 60 days if the defendant is not in custody. All trials, including court and jury trials, start at 8 a.m unless the Court advises otherwise. Questionnaires for prospective jurors will be available approximately two days prior to the trial. If additional time is needed to review the questionnaires, the bailiff can be contacted at 812-435-5196. Preliminary instructions will be provided on the first day of trial and final instructions will be provided during the trial. If additional time is needed to review the instructions, the staff attorney can be contacted at 812-435-5312. Peremptory challenges and challenges for cause are to be in writing on a form provided by court staff on the day of trial.

#### **LR82-CR10-C2.15**

##### **Plea and Sentencing Hearings**

If a defendant and the State have entered into a plea agreement, the Court will not take a guilty plea and order a pre-sentence investigation until the agreement has been reduced to writing and executed by the parties. When a defendant pleads guilty with or without a plea agreement with the State, the Court will establish a factual basis for each offense and advise the defendant of the penalties and constitutional rights. For these cases and for cases in which the defendant has been found guilty after a jury or court trial, a judgment and sentencing date will be set. The judgment and sentencing date will usually be scheduled approximately 20 days later if the defendant is in custody and approximately 40 days later if the defendant is not in custody. After a judgment and sentencing date has been set, the defendant should immediately

report to the Probation Department in Room 127 of the Administration Building so that an interview can be scheduled for the defendant's pre-sentence report. If the defendant is in custody, a member of the probation staff will interview the defendant in the jail. Subject to the Court's approval, and if both parties agree, pre-sentence investigation reports may be waived in certain Class D felonies.

#### **LR82-CR00-C2.16**

##### **Modification Requests - Community Corrections or Probationary Sentences**

Any request for modification of a community corrections or probationary sentence should be in writing and sent to the court. Hearings on such requests are set on Tuesdays and Thursdays at 11 a.m. This shall include requests for modification of driver's license suspensions.

#### **LR82-CR00-C2.17**

##### **Petitions to Revoke - Community Corrections or Probationary Sentences**

If a petition to revoke the sentence of a person on a community corrections program or on probation is filed, either a bench warrant will be issued or the defendant will be advised of an appearance date by summons. These hearings are set on Tuesdays and Thursdays at 11 a.m.

#### **LR82-CR00-C2.18**

##### **Shock Probation Hearings - Department of Corrections Sentences**

Any request for modification of a sentence being served at the Indiana Department of Corrections should be in writing and sent to the court. Once a modification request is received, court staff will request a progress report from the facility where the defendant is an inmate. Once the progress report has been received by the court, a shock probation hearing will be scheduled. (If the sentence involved a plea agreement with the State, the State must agree to have a

shock probation hearing before a hearing is set.) These hearings are usually held on the last Thursday of each month. If the Court is unavailable on such date, a different date will be selected. If a defendant is represented by an attorney, the attorney will be sent a notice of the hearing date. (Defendants are not transported back to Vanderburgh County for these hearings.)

## **CRIMINAL RULES OF THE VANDERBURGH SUPERIOR COURT**

### **LR82-CR2.2-2.01**

#### **Assignment of Criminal Cases**

(A) All cases in Vanderburgh County, Indiana in which the highest crime charged is a felony shall be randomly assigned (by the Clerk of Vanderburgh County) to the Circuit and Superior Courts of Vanderburgh County in the following ratio: Eight (8) cases are to be assigned to the Vanderburgh Circuit Court for each six (6) cases assigned to Vanderburgh Superior Court. Each felony cause number shall be deemed a case within the meaning of this rule, regardless of the number of counts or defendants charged in said case.

(B) All cases assigned to the Vanderburgh Circuit Court shall be tried by the Circuit Court Judge or the Magistrate of the Court as determined in the discretion of the Court.

(C) All felony cases assigned to the Vanderburgh Superior Court shall be tried in accordance with the rotation system established by the rules of that Court.

(D) All cases reassigned from the Circuit Court Judge of Vanderburgh County or the Magistrate of that Court, shall be reassigned to the Senior Judge of the Vanderburgh Circuit Court and/or any Judge of the Vanderburgh Superior Court.

(E) All cases reassigned within the Vanderburgh Superior Court shall be reassigned in accordance with the rotation system established by the rules of that Court.

(F) All criminal cases filed in the County in which the highest crime charged is a misdemeanor, shall be assigned to the Misdemeanor/Traffic Division of the Vanderburgh Superior Court.

(G) A dismissed criminal action may only be refiled in the same Court to which the case was originally assigned.

(H) The Circuit Court Judge and the Chief Judge of Superior Court may by agreement, order transfer of any felony case pending in either Court to provide

consolidated legal defense for those defendants facing multiple criminal charges. Such cases shall be consolidated unless efficient case disposition may be adversely affected by transfer.

### **LR82-CR00-2.02**

#### **Transfer of Cases Between Vanderburgh Circuit and Superior Courts**

If a defendant has a pending case in the Vanderburgh Superior Court prior to the filing of a case in Circuit Court, the Circuit Court case will be transferred to Superior Court. Similarly, if a defendant has a prior pending case in Circuit Court, any newer case in Superior Court will be transferred to Circuit Court.

### **LR82-CR00-2.03**

#### **Bond Schedule**

All persons charged by indictment or affidavit shall be held to bail in the amount set forth below:

(A) **Felonies:** No bonds shall be set in any felony matters except as determined by a Judicial Officer. The Court shall consider factors found in IC 35-33-8-4 in setting appropriate bond in all cases.

(B) **Class A Misdemeanors:** Unless otherwise specified, all Class A Misdemeanors shall have a bond of \$100.00 for Indiana residents and \$200.00 for non-residents.

#### **Specific Exceptions for Class A Misdemeanors:**

Domestic Violence Battery

First offense: \$500.00

Second offense: \$1000.00

Third offense: \$5000.00

Leaving the scene of an accident causing personal injury: \$500.00.

All OMVWI bonds shall be set in the amount of \$250.00 cash only except that in the case of a refusal or BAC of .15% or greater, bond shall be set in the amount of

\$500.00 cash only.

**(C) Class B Misdemeanors:** Unless otherwise specified, all Class B Misdemeanors shall have a bond of \$50.00 for Indiana residents and \$100.00 for non-residents.

**Specific Exceptions for Class B Misdemeanors:**

Invasion of Privacy involving co-habiting or formerly co-habiting adults:

First offense: \$500.00

Second offense: \$1000.00

Third offense \$5000.00

**(D) Class C Misdemeanors:** Unless otherwise specified, all Class C Misdemeanors shall have a bond of \$50.00 for Indiana residents and 100.00 for non-residents.

**Specific Exceptions for Class C Misdemeanors:** Minor possession / consumption / transport: \$25.00 for Indiana resident and \$50.00 for non-residents.

**LR82-CR00-2.04**

**Discovery**

In each criminal case in the Vanderburgh Circuit and Superior Courts, the Vanderburgh County Prosecutor's Office and the law enforcement agencies which are involved in the case shall produce to the defense attorney the entire case file, including a list of all evidence held, within thirty (30) days of the defense attorney's first appearance in court. This is a continuing rule, and all additions to the case file shall be produced immediately upon their creation.

**LR82-CR00-S2.05**

**Assignment of Criminal Matters**

All Felony criminal matters and Misdemeanor Jury Trials are assigned to Divisions II and VI on a consolidated calendar. matter, then court sessions are held in Room 202.

**LR82-CR00-S2.06**

**Initial Appearance of the Accused**

All defendants in the custody of the Sheriff at the time of the filing of a request for determination of Probable Cause or an Information or Indictment, shall appear before the Court not later than the next judicial day. All defendants arrested on warrants shall appear in open court for initial hearing not later than the next judicial day following the defendant's apprehension, or upon the date the defendant is summoned to appear, if any.

**LR82-CR00-S2.07**

**Continuance of Initial Hearing**

The initial hearing may be continued for a period of time not to exceed twenty days to allow the defendant to obtain private counsel.

**LR82-CR00-S2.08**

**Trial Scheduling**

Trial shall be set not more than ten weeks from the week in which Counsel first appears, or the defendant is granted leave to proceed Pro Se.

**LR82-CR00-S2.09**

**Holding Dates**

The Court shall set a Holding Date at 8:30 am on the Wednesday five weeks prior to the trial. The State shall provide the Defense with a copy of the Police file and an offer of settlement (if the State intends to make such an offer on the case) not less than one week prior to the Holding Date. On the Holding Date, the Parties shall appear and report to the Court whether or not the State has provided the Police file to the Defense and whether or not the defendant has received and will accept or reject an offer by the State. If the defendant rejects the State's offer, the defense shall inform the Court and the State whether there is a counter-offer forthcoming. If the defendant fails to appear on the Holding Date without lawful justification or excuse, the Court shall modify the defendant's bond in accordance with Indiana Code 35-33-8-7 and

8, and issue a Bench Warrant for the defendant's arrest. The Judge presiding over Division II on the morning of the Holding Date or his or her designee shall take intents to plead guilty and guilty pleas, if any. That Judge shall do the sentencing on any defendant entering an intent to plead guilty or a guilty plea before him or her.

#### **LR82-CR00-S2.10**

##### **Trial Date Selection**

Cases in which the highest crime charged is a C felony or above shall be set on Mondays or on the first business day of the week on which the Court is open following a Monday holiday. Cases in which the highest grade of offense charged is a D felony or Misdemeanor, shall be set for trial on Thursdays. Private Counsel may not set more than two trials for the same trial date in any court.

#### **LR82-CR00-S2.11**

##### **Pre-Trial Conference**

A Pre-Trial Conference shall be set at 1:30 p.m. on the Wednesday of the week immediately after the week in which the Holding Date is set. The Judge who will preside at trial will conduct the Pre-trial conference if available, the back-up Magistrate shall attend all Pre-trial conferences. If the Judge is unavailable the back-up Magistrate shall conduct the Pre-trial. The representative or representatives of the State appearing at the Pre-trial conference on a case shall have full authority to make and accept offers and counter-offers on said case.

#### **LR82-CR00-S2.12**

##### **Progress Date**

The defendant shall be ordered to appear after the Pre-trial conference to indicate an intent to plead guilty or to make other progress on the case.

#### **LR82-CR00-S2.13**

##### **Assignment of Trial Weeks**

Unless otherwise agreed by the Division II and Division VI Judges, the Division II Judge shall be the lead trial Judge for trial weeks containing an odd numbered Monday. The Division VI Judge shall be the back-up Judge for said weeks. The Division VI Judge shall be the lead trial Judge for trial weeks containing an even numbered Monday. The Division II Judge shall be the back-up Judge for said weeks.

#### **LR82-CR00-S2.14**

##### **Trial Prioritization**

Cases in which a defendant is in custody may have priority over other cases on the docket. Otherwise, the oldest cases on the docket are to be tried first, regardless of custodial status of the accused, provided however prioritization by age may be superseded by expedited trial pursuant to Criminal Rule 4(g), or for other showing of extreme necessity. For purposes of trial priority, the age of the case will be determined from the date of filing.

#### **LR82-CR00-S2.15**

##### **Add On Matters**

Pre-trial appearance dates and hearings shall be scheduled not less than twenty four hours prior to said appearance or hearing, except for good cause shown.

#### **LR82-CR00-S2.16**

##### **Filing Pleadings and Motions**

All pleadings and motions in felony cases and misdemeanor cases transferred to the felony divisions of the Court other than Petitions to Revoke shall be filed in open court. For purposes of this rule a filing made at the Holding Date Conference or at the Pre-trial Conference shall be considered a filing in open court.